

Message Text

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ORIGIN NEA-16

INFO OCT-01 ISO-00 L-03 SCS-03 SCA-01 SY-04 SS-20 H-03

CIAE-00 INR-11 NSAE-00 RSC-01 INRE-00 /063 R

DRAFTED BY NEA/INS:RDLORTON:EI

APPROVED BY NEA:LBLAINGEN

NEA/INS:DKUX

L/NEA:SNELSON

SCA/SCS:JHUGHES

L/M/SCA:KEMALMBORG

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O 210017Z AUG 74

FM SECSTATE WASHDC

TO AMEMBASSY NEW DELHI IMMEDIATE

INFO AMCONSUL CALCUTTA IMMEDIATE

AMCONSUL BOMBAY IMMEDIATE

C O N F I D E N T I A L STATE 183037

E.O. 11652: GDS

TAGS: CASC, PFOR, IN, US

SUBJECT: HARCOS/FLETCHER

NEW DELHI FOR SCHNEIDER

BOMBAY FOR AMBASSADOR MOYNIHAN

REF: (A) NEW DELHI 10967 (CALCUTTA 1683), (B) NEW DELHI 10968, (C) NEW DELHI 10465 (CALCUTTA 1609), (D) NEW DELHI 11015 (BOMBAY 1954).

1. TO SETTLE FOR AN ARRANGEMENT WITH DEFENSE LAWYER
BHOSE WITHOUT PURSUING REQUEST FOR CONSULAR ACCESS TO
TRIAL AS FAR AS POSSIBLE SEEMS TO US SOMEWHAT PREMATURE
AND MIGHT ALSO CREATE SUBSTANTIAL DIFFICULTIES IN
PRACTICE. INDIAN LAWYER WOULD BE PUT IN HIGHLY UNCERTAIN
SITUATION REGARDLESS OF GOWB ASSURANCES AND WE COULD NOT
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BE SURE INFORMATION WE RECEIVED WAS RELIABLE OR COMPLETE.

AS LONG AS PROCEEDINGS ARE IN CAMERA, THESE FACTORS WOULD APPLY EVEN IF WE WERE TO HIRE INDIAN COUNSEL ON OUR BEHALF.

2. WE DO NOT THINK PICKERING SHOULD GO BACK TO THE CHIEF MINISTER YET. RATHER WE SUGGEST YOU MAKE A STRONG APPEAL TO KEWAL SINGH THAT IN THE INTERESTS OF PROVIDING MAXIMUM CONSULAR ASSISTANCE TO THE TWO MEN, WE BE GRANTED PER-

MISSION TO HAVE A CONSULAR OBSERVER PRESENT AT THE TRIAL. HUMANITARIAN CONCERNS AND OUR DESIRE TO MINIMIZE THE ADVERSE EFFECTS OF THIS CASE ON IMPROVING INDO-AMERICAN RELATIONS SHOULD ALLOW THE GOI FIND WAY TO PERMIT AN OBSERVER UNDER THE CONDITIONS PREVIOUSLY DESCRIBED BY PICKERING (REF. C). SHOULD THIS APPROACH APPEAR AT ALL PROMISING, WE WOULD THEN SUGGEST PICKERING GO BACK TO THE CHIEF MINISTER.

3. APPRECIATE YOUR VIEWS, BUT BELIEVE WE SHOULD CONTINUE PURSUE QUESTION OF ACCESS TO THE TRIAL AND NOT AT THIS TIME SETTLE FOR A LESS THAN SATISFACTORY COMPROMISE. INGERSOLL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSULAR LEGAL ASSISTANCE, TRIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 21 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE183037
Document Source: CORE
Document Unique ID: 00
Drafter: RDLORTON:EI
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740229-1035
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740829/aaaaayvm.tel
Line Count: 81
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: (A) NEW DELHI 10967 (CALCUTTA 1683)
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 16 AUG 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16-Aug-2002 by WorrelSW>; APPROVED <26 FEB 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HARCOS/FLETCHER NEW DELHI FOR SCHNEIDER
TAGS: CASC, PFOR, IN, US, (HARCOS), (FLETCHER)
To: NEW DELHI
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005